

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER AVA-434.3P US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/581466</b> to be assigned
INTERNATIONAL APPLICATION NO. PCT/US2004/041282	INTERNATIONAL FILING DATE December 9, 2004	PRIORITY DATE CLAIMED December 9, 2003
TITLE OF INVENTION ORALLY-ADMINISTERED LIVE BACTERIAL VACCINES FOR PLAGUE		
APPLICANT(S) FOR DO/EO/US Donata SIZEMORE, Steven A. TINGE, Kevin P. KILLEEN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <b>Items 11 to 20 below concern document(s) or information included:</b> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input checked="" type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

U.S. APPLICATION NO. (if known, see 37 CFR 1.53) to be assigned <b>10/581466</b>		INTERNATIONAL APPLICATION NO. PCT/US2004/041282		ATTORNEY'S DOCKET NUMBER AVA-434.3P US	
20. Other items or information: 1) International Search Report; 2) Written Opinion; 3) International Preliminary Report on Patentability; 4) Copy of ATCC Receipt of Deposit					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 100.00	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
52 - 100 =	0 /50 =	0	x \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	13 - 20 =	0	x \$ 50	\$ 0.00	
Independent claims	2 - 3 =	0	x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 600.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 300.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 300.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 300.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 300.00 to cover the above fees is enclosed. (Check no. 6978)
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0268. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

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Yankwich & Associates, P.C.

201 Broadway - 6th floor

Cambridge, MA 02139



SIGNATURE

Michael R. Wesolowski

NAME

50,944

REGISTRATION NUMBER

Date Mailed via Express Mail: June 1, 2006

10/581466

AP3 Rec'd PCT/PTO 01 JUN 2005

**PATENT COOPERATION TREATY  
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

In re Application of: Sizemore et al.

Serial No.: (not yet assigned)

Art Unit: not yet assigned

Filed: (concurrently herewith)

Examiner:

Entitled: ORALLY-ADMINISTERED LIVE  
BACTERIAL VACCINES FOR PLAGUE

U.S. national stage of Int'l Appln. PCT/US2004/041282, filed December 9, 2004, designating the US  
Attorney Docket No.: AVA-434.3P US

**Mail Stop PCT**

Commissioner for Patents


P.O. Box 1450

Alexandria, VA 22313-1450

**NATIONAL STAGE APPLICATION TRANSMITTAL:**

1. Designated/Elected Office (DO/EO/US) Transmittal Form PTO-1390 (3 pages);
2. Duplicate copy Transmittal Form PTO-1390 pages 2 & 3 fee calculation/authorization;
3. Copy of International Application as published (52 pages);
4. Preliminary Amendment (7 pages);
5. Power of Attorney - Unexecuted (1 page);
6. Copy of Executed Declaration of Inventorship (2 pages);
7. Computer Readable Form of Sequence Listing on Diskette and Paper Copy (9 pages);
8. Statement Under 37 C.F.R. §§1.821-1.825 (2 pages);
9. Copy of Written Opinion (5 pages);
10. Copy of International Search Report (3 pages);
11. Copy of International Preliminary Report on Patentability (5 pages);
12. Copy of ATCC Receipt of Deposit of Microorganism (1 page);
13. Check No. 6978 in the amount of \$ 300.00 to cover the national application filing fees; and
14. Return Receipt Postcard

Respectfully submitted,



Leon R. Yankwich, Reg. No. 30,237

Michael R. Wesolowski, Reg. No. 50,944

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

The undersigned hereby certifies that this correspondence and accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. **EV 848417852 US**, in an envelope addressed to the **Mail Stop PCT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

June 1, 2006

\_\_\_\_\_ date



Nasim G. Memon

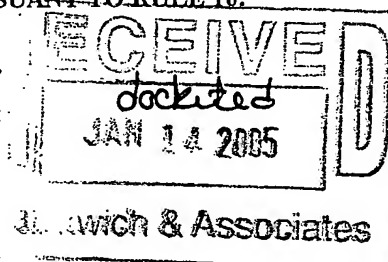
**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

AVANT Immunotherapeutics, Inc.  
Attn: Keven Killeen  
119 Fourth Avenue  
Needham, MA 02494



Deposited on Behalf of: AVANT Immunotherapeutics, Inc.

**Identification Reference by Depositor:**

Salmonella enterica containing plasmid pMEG-1621: M020  
Salmonella enterica containing plasmid pMEG-1707: M022  
Salmonella enterica containing plasmid pMEG-1692: M023  
Salmonella enterica containing plasmid pMEG-1967: M048  
Salmonella enterica containing plasmid pMEG-1968: M049

**Patent Deposit Designation**

PTA-6406  
PTA-6407  
PTA-6408  
PTA-6409  
PTA-6410

The deposits were accompanied by: \_\_\_\_\_ a scientific description \_\_\_\_\_ a proposed taxonomic description indicated above. The deposits were received December 2, 2004 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested December 9, 2004. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: January 11, 2005

cc: Leon R. Yankwich  
Docket # AVA-434.3 PCT